

**UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF WEST VIRGINIA  
MARTINSBURG**

**UNITED STATES OF AMERICA,**

Plaintiff,

**v.**

**CRIMINAL NO. 3:09-CR-23  
(Judge Bailey)**

**TYREEK RASHAUN CLARK,**

Defendant.

**ORDER GRANTING DEFENDANT'S MOTION TO CONTINUE TRIAL  
AND DENYING MOTION TO APPOINT NEW COUNSEL**

On the 17th day of July, 2009, the parties in the above-styled criminal action came before the Court for a pretrial conference. The defendant, Tyreek Rashaun Clark, appeared with counsel, Assistant Federal Public Defender Nicholas Compton, via video teleconferencing. The United States was represented by Assistant United States Attorney Erin K. Reisenweber, appearing on behalf of Thomas O. Mucklow.

As an initial matter, this Court addressed the defendant's motion for new counsel, which was presented both orally and by letter [Doc. 35]. In support of his motion, the defendant stated that communication has been difficult, which has led to a lack of understanding on his part of the charges brought against him. Further, the defendant expressed concerns that Mr. Compton is the only attorney in the Martinsburg Public Defender's office and that different counsel would more adequately represent him. The defendant stated that he now understands the charges. Mr. Compton agreed that communication was difficult, but that the relationship had not been irreparably broken. This

Court **DENIED** the defendant's motion [**Doc. 35**] because it fails to see how new counsel would have any better lines of communications than current counsel and noted that Mr. Compton's schedule will be less busy, especially in light of the continuance.

The Court then addressed the Defendant's Motion to Continue Trial [Doc. 26], which was filed on July 13, 2009. In support of the motion to continue the trial, which is currently scheduled to begin July 21, 2009, Assistant Public Defender Nicholas Compton states that due to the same communication issues, he requires additional time to effectively prepare for trial.

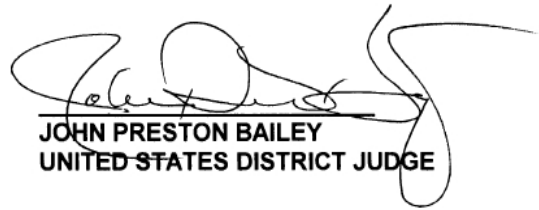
After careful review of the grounds offered in support, the Court found good cause to grant the motion to continue. In doing so, this Court considered the factors outlined in 18 U.S.C. § 3161(h)(7)(B), and found that the ends of justice served by granting the continuance outweigh the best interest of the public and the defendant in a speedy trial. 18 U.S.C. § 3161(h)(7)(A). Specifically, the Court found that a failure to grant the continuance would "unreasonably deny the defendant . . . the reasonable time necessary for effective preparation, taking into account the exercise of due diligence." See 18 U.S.C. § 3161(h)(7)(B)(iv).

Accordingly, the Defendant's Motion to Continue Trial [**Doc. 26**] was **GRANTED**, and the **trial** in this matter will now commence on **September 15, 2009, at 8:30 a.m.**. Additionally, the **pretrial conference** in this matter is hereby **CONTINUED** until **September 8, 2009, at 3:30 p.m.**

It is so **ORDERED**.

The Clerk is directed to transmit copies of this Order to all counsel of record herein.

**DATED:** July 17, 2009.



JOHN PRESTON BAILEY  
UNITED STATES DISTRICT JUDGE